

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Kentucky Commission on the Deaf and Hard of Hearing**  
**(Amendment)**

**735 KAR 2:010. Definitions for 735 KAR Chapter 2.**

RELATES TO: KRS 12.290, KRS 163.510(4), KRS 309.300

STATUTORY AUTHORITY: KRS 12.290 mandates that each department, program cabinet, and administrative body of state government shall promulgate administrative regulations to provide accessibility to all services by persons who are deaf or hard-of-hearing in compliance with federal mandates including 29 U.S.C. sec. 794, a part of the Rehabilitation Act of 1973, and 42 U.S.C. secs. 12101 et seq., a part of the Americans with Disabilities Act of 1990;[;]163.510(4); 309.300 provides definitions related to the authority of the Kentucky Board of Interpreters for the Deaf and Hard of Hearing

NECESSITY, FUNCTION, AND CONFORMITY: KRS 163.510(4) requires the Commission on the Deaf and Hard of Hearing to oversee the provision of interpreter services to the deaf and hard of hearing. This administrative regulation establishes definitions necessary to implement the Interpreter Referral Services Program.

Section 1. (1) "American Sign Language" (ASL) means a nonverbal language consisting of the following elements:

- (a) Handshape;
- (b) Position;
- (c) Hand movement;
- (d) Orientation of the hands;~~[and]~~
- (e) Facial expression; and
- (f) Body language.

(2) "Assigned interpreter," means the independent vendor interpreter who commits to provide interpreting services for a particular event.

(3) "Assignment" means an event interpreted for the enhancement of communication between[a] deaf, hard of hearing, and hearing individuals~~[individual]~~.

(4) "Certified interpreter or Transliterater" means a sign language, oral, or cued speech interpreter or transliterator who was awarded certification by demonstrating an advanced level of expressive and receptive skills.

(5) "Close visual range interpreting" means an interpreting technique used with deaf people with limited vision.

(6) "Communication Access Realtime Translation" (CART) means a service that is provided by a realtime reporter by converting spoken English into a printed English format, primarily used by hard of hearing people~~[(6) "Contracted interpreter," means a freelance interpreter].~~

(7) "Code of ethics" or Code of Professional Conduct, means principles that guide~~[of]~~ ethical behavior of sign language interpreters, and is established by a national certifying organization to guide an interpreter or transliterator in their dealings with a hearing, or~~[and]~~ deaf, or hard of hearing person.

(8) "Cued speech" means a method of communication for use with and by a deaf and hard of hearing person, in which eight (8) configurations and four (4) positions of one (1) (either) hand are used to supplement the visible manifestations of natural speech.

(9) "Deaf and hard of hearing" means a person who is unable to hear and understand speech clearly by ear, with or without a hearing aid. This term shall include a person who:

- (a) Is deaf or hard of hearing;

- (b) Is deaf-blind;
- (c) Is late deafened;
- (d) Is recently deafened;
- (e) Is oral deaf; or
- (f) Has a similar hearing disorder.

(10) "Deaf Interpreter" (DI) means a deaf or hard of hearing individual, who is able to assist in providing an accurate interpretation between standard sign language and variants of sign language (including home signs) by acting as an intermediary between a deaf or hard of hearing person and an interpreter or transliterator.

(11) "Emergency" means a situation of an urgent nature in which the consumer or client determine that the delay of the event for more than twenty-four (24) hours is likely to result in injury or loss.

(12) "Extended Assignment" means an assigned event for an interpreter or captioner that includes an overnight stay or requires on call twenty-four (24) hour coordination.

(13) "Interaccount", for the purpose of KRS 163.510(4), means that one (1) state agency charges another state agency through the state's internal financial system, as outlined in KRS Chapter 45A.

(14)[(42)] "Interpretation" means the process of transmitting spoken English into American Sign Language or gestural communication (voice-to-sign); and the process of transmitting American Sign Language or gestural communication into spoken English (sign-to-voice).

(15)[(43)] "No show assignment" means an assignment at which the deaf or hard of hearing person or the state agency interpreter or captioner representative did not appear for the scheduled event.

(16)[(44)] "Nontraditional interpreting services" means the utilization of video-conferencing technology to eliminate the necessity of the interpreter having to travel to the site of the event or utilization of remote captioning technology to eliminate the necessity of the captioner traveling to the site of the event.

(17)[(45)] "Oral interpreting" means facilitating a mode of communication utilizing speech, speech-reading and residual hearing as a primary means of communication and using situational and culturally appropriate gestures, without the use of sign language.

(18)[(46)] "Preferred mode of communication" means the method of communication that the deaf or hard of hearing individual is most expressive and comfortable ~~in~~ using.

(19)[(47)] "Referral service" means a service that specializes in coordinating interpreting or captioning services and acts as an intermediary between the interpreter or captioner and the state agency providing services to a deaf or hard of hearing consumer~~[direct consumers of services]~~.

(20)[(48)] "Replacement interpreter" means an interpreter sent to replace the assigned interpreter for a specific event if there is a:

- (a) Schedule conflict;
- (b) Illness; or
- (c) Unforeseen event that prevents attendance of the assigned interpreter.

(21)[(49)] "Staff interpreter" means an interpreter who works exclusively for, and is considered an employee of, a particular agency or organization.

(22) "State Agency" or "State Agencies", for purposes of KRS 163.510(4) and this Chapter, means an organizational unit within the Executive Branch of state government, as define in KRS 12.010 (1)-(7), or an agency within the Legislative Branch of state government.

(23) "State Employee", for the purposes of KRS 163.510(4) and this Chapter, means a person who is permanently employed by a state agency within the Executive or Legislative Branch of state government.

(24)[(20)] "Tactile interpreting" means a communication technique used by and with deaf-blind

individuals and deaf individuals[~~people~~] with limited vision involving touch of the shape, movement and location of signs.

(25)[(24)] "Team interpreting" means the utilization of two (2) or more interpreters who:

- (a) Function as a team;
- (b) Rotate responsibilities at prearranged intervals; and
- (c) Provide support and feedback to each other.

(26)[(22)] "Transliteration" means the process of transmitting:

- (a) Spoken English into one (1) of the English-related or English oriented varieties of sign language (voice-to-sign); and
- (b) One of the English-related or English-oriented varieties of sign language into spoken English (sign-to-voice).

(27)[(23)] "Traditional interpreting services" means the interpreter or captioner appears at the event in person and provides interpreting or captioning services on site.

VIRGINIA L. MOORE, KCDHH Executive Director

APPROVED BY AGENCY: April 11, 2018

FILED WITH LRC: April 11, 2018 at 4 p.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on May 21, 2018, at 10:00 a.m. EST, at the Kentucky Commission on the Deaf and Hard of Hearing office located at 632 Versailles Road, Frankfort, KY. Individuals interested in being heard at this hearing shall notify this agency in writing by May 14, 2018, five work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Virginia L. Moore, Executive Director, email [virginia.moore@ky.gov](mailto:virginia.moore@ky.gov), 632 Versailles Road, Frankfort, Kentucky 40601, phone (502) 573-2604 v/tty, fax (502) 573-3594, or Videophone (502) 416-0607.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Virginia L. Moore

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes definitions that explain the meaning of terminology used to administer the Interpreter Referral Program within the Kentucky Commission on the Deaf and Hard of Hearing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the provisions of KRS 163.510(4), which mandates that the Kentucky Commission on the Deaf and Hard of Hearing administer Interpreter Referral Services, to meet the needs of deaf and hard of hearing consumers interacting with state agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing definitions used to administer the Interpreter Referral Services Program within the Kentucky Commission on the Deaf and Hard of Hearing.

(d) How this administrative regulation currently assists or will assist in the effective administra-

tion of the statutes: This administrative regulation defines terminology used to administer the Interpreter Referral Services Program, which functions within the Kentucky Commission on the Deaf and Hard of Hearing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds terminology pertinent to the operation of the Interpreter Referral Services Program.

(b) The necessity of the amendment to this administrative regulation: This amendment updates and adds terminology utilized within the Interpreter Referral Services Program.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment expands on definitions utilized within the Interpreter Referral Services Program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment expands on definitions utilized within the Interpreter Referral Services Program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 700,000 deaf and hard of hearing consumers in the Commonwealth that utilize state services may be positively affected by this administrative regulation. State agencies within the Commonwealth that provide interpreting or captioning services to deaf and hard of hearing consumers may be positively impacted by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Entities identified in question (3) will not have to take any action to comply with the amendment to this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no change in the cost for state agencies or consumers to comply with the amendment to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Both consumers and the state agencies serving deaf and hard of hearing consumers will benefit from the additional information added in definitions to clarify the Interpreter Referral Services Program operations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost to the administrative body after initial implementation of this amendment.

(b) On a continuing basis: There is no change in cost to the administrative body on an ongoing basis due to implementation of this amendment. Continued indirect costs include 10% of the Executive Director's time to supervise the administration of this program.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General Funds allotted to the KCDHH in the agency's annual budget supports the implementation of this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: No increase in fees or funding is required to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are directly or indirectly established or increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied, or required, to implement this amendment.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties fire departments, or school districts) will be impacted by this administrative regulation? State agencies utilizing the Interpreter Referral Services Program will benefit from the clarifications made in this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. State statutory authority; KRS 12.290, 163.510(4), 309.300. Federal statutory authority; 29 U.S.C. Sec 794 of the Rehabilitation Act of 1973 and 42 U.S.C. Sec 12101 of the American's with Disabilities Act.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire department, or school districts) for the first full year the administrative regulation is to be in effect. There is no effect on the expenditures and revenues of state government agencies because of this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated because of this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated because of this amendment.

(c) How much will it cost to administer this program for the first year? The cost for administration of this program is included in the agency's general fund budget and will not increase during the first year because of this amendment.

(d) How much will it cost to administer this program for subsequent years? The cost of administration of this program is included in the agency's general fund budget and will not increase in subsequent years because of this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no direct fiscal impact because of this amendment.

Expenditures (+/-): There is no direct impact on expenditures because of this amendment.

Other Explanation: None